

REMARKS

Claims 1-9 are pending in the application. Claims 1-9 stand rejected for obviousness under 35 U.S.C. § 103(a).

A portable cellular phone 14, according to the claimed invention, includes a main device 1, a memory 2, and a memory transfer device 3. An application storing memory 2a provides a region used to store application information that has been installed in the portable cellular phone 14. A memory transfer device 3 is used to transfer data in the application storing memory 2a to other devices. Thus, an application may be backed up so that backup data may be used to restore the application in the portable cellular phone 14.

Serial number information 11 and a portable cellular phone number 12 may be stored in the portable cellular phone 14. Application information 13 representing application information may be stored in the application storing memory 2 of the portable cellular phone 14. When data is transferred between the portable cellular phone 14 and a data backup device 15, the data format may include manufacture serial number information 11 and portable cellular phone number 12, in addition to application information 13. Thus, the manufacture's serial number and/or the phone number of the portable cellular phone may be checked so that the packed up application will be restored only when said numbers match corresponding number on the portable cellular phone 14.

Claim 1, and dependent Claims 2-8, were rejected under 35 U.S.C § 103(a) as suggested by U.S. Patent No. 5,738,084 to Isikoff in view of U.S. Patent No. 6,925,560 to Basquin. Claim 9, which depends from Claim 1, was rejected under 35 U.S.C. § 103(a) as suggested by U.S. Patent No. 5,418,837 to Johansson et al. in view of Isikoff and Basquin and further in view of U.S. Patent No. 6,728,547 to Frank et al. Applicant traverses these rejections as discussed below.

In essence, the Examiner has repeated, mostly verbatim, the rejections made in the previous office action, with the exception that the Examiner's reliance on Isikoff has been replaced by reliance on Isikoff in view of Basquin. According to the Examiner, the disclosure of Basquin suggests features of Claim 1, in part because

“Basquin discloses preventing unauthorized copying of applications of a portable cellular phone.” (Office Action at 3, citing Basquin column 2, lines 1-10) The portion of the disclosure of Basquin relied on by the Examiner, however, does not teach or suggest the prevention of copying. Instead, Basquin states:

To this end, a process for pre-controlling the execution of a program, contained in a second chip card, inserted in a terminal, in addition to a first chip card, containing data tied to a telecommunication network to which the terminal is linked, is characterized in that it comprises an authentication of either the first or second cards by the other card prior to the execution of the program, as well as during it.

The authentication thus prevents the fraudulent use, pirating, and copying of an application program or programs in the second card.

(Basquin, column 2, lines 1-10, cited in the Office Action at 3)

Because Basquin involves the authentication of SIM card inserted into a mobile telephone prior to using the card, a combination of Isikoff and Basquin would not result in a mobile telephone's verification of backup data prior to copying it. Thus, the disclosure of Basquin does not teach or suggest the feature for which the Examiner has cited it. As a result, the Examiner's rejection of Claim 1 as being obvious over a combination of Isikoff in view of Basquinn on the basis of the disclosure of Basquin is in error.

Furthermore, as noted previously the Isikoff reference is applicable to a lap top computer. Based on the action taken by the Examiner, it is understood that there is a recognition that Isikoff does not teach or make obvious any of claims 1-9. Moreover, it is restated that the password described in Isikoff is not equivalent to the identification information of independent claim 1 because there is no matching of application identification information to device identification information. As noted previously, the claimed invention protects the licensor of a cell phone application from unauthorized copying by the licensee or others. Furthermore, the references of Johanssen and Frank do not make up for the deficiencies of the Isikoff/Basquinn combination and are also unrelated to protecting against unauthorized copying of a cell phone application. Therefore, no combination of the references would make any

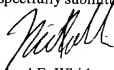
of claims 1-9 obvious to one of ordinary skill in the art.

Conclusion

In view of the foregoing, Applicant submits that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed.

Applicant hereby makes a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041 (Whitham, Curtis & Christofferson).

Respectfully submitted,



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